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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,005	10/25/2000	Albert Evaraerts	56117 USA 1A	4526
32692	7590	10/07/2003		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/697,005

Applicant(s)

EVARAERTS ET AL

Examiner

Justin R Fischer

Art Unit

1733

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16.
10. ☒ Other: See Continuation Sheet

JEFF H. ARTERGUY  
PRIMARY EXAMINER  
GROUP 1300

**Continuation of 5:** While applicant contends that Hoescht fails to teach a pressure sensitive adhesive, it is unclear how the adhesive of the claimed invention differs from that disclosed by Hoescht. In an analogous manner to the claimed invention, Hoescht (Page 6 and 7 of the translation) suggests that the over-tackified adhesive is formed of (a) a synthetic resin, such as styrene-butadiene rubber, butyl rubber, and styrene block polymers and (b) a tackifier, such as partially hydrogenated rosins and terpenes. Applicant defines these exact components on Page 5 and 6 of the original disclosure. Also, in an analogous manner to the claimed invention, Hoescht (Page 8 of translation) suggests that a plasticizing agent, such as phthalates, is arranged on said over-tackified adhesive. Applicant defines the same plasticizing agent on Page 15, Line 29 of the original disclosure. Thus, the over-tackified adhesive and the plasticizing agent disposed thereon are the same as that disclosed by the claimed invention. As for the step of "forming a pressure sensitive adhesive", applicant provides the following description: "to transform the over-tackified adhesive to a material that exhibits pressure sensitive adhesive properties, a plasticizing agent is used" (Page 5, Lines 26-27). Therefore, the use of plasticizing agent (same as disclosed by applicant) in the method of Hoescht would be expected to provide the over-tackified adhesive with pressure sensitive properties in an analogous manner to the claimed invention. It is additionally noted, as set forth in claim 6, that applicant suggests that heat can be applied to the plasticizing agent to cause it to activate the adhesive to form a pressure sensitive adhesive. This is the exact method of Hoescht- the plasticizing agent is heated to allow it to melt/mix with the tackifier in the adhesive to render the adhesive tacky. It is unclear how the adhesive formulation of the claimed invention differs from that described by Hoescht, such that the adhesive of the claimed invention is a pressure sensitive adhesive and that of Hoescht is not. Lastly, although Hoescht defines the adhesive as a "heat sensitive stock", this language is being used to suggest that the adhesive is rendered tacky by application of heat in the same manner as the claimed invention. Thus, the adhesive of the claimed invention, while being a pressure sensitive adhesive, is also "heat sensitive adhesive stock" in light of the disclosure of Hoescht.

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**Continuation of 10:** The information disclosure statement (IDS) submitted on September 22, 2003 was filed after the mailing date of the final rejection on June 10, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

A handwritten signature in cursive script that reads "Justin Fischer".

Justin Fischer

October 3, 2003